

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**SPARK CONNECTED, LLC,  
KEN MOORE, EMANUEL STINGU,  
And RUWANGA DASSANAYAKE,**

**Plaintiff,**

**v.**

**SEMTECH CORPORATION,**

**Defendant.**

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**Case No. 4:18-cv-748-ALM-KPJ**

**MEMORANDUM OPINION AND ORDER**

On November 21, 2018, Defendant and Counterclaimant Semtech Corporation (“Semtech”) filed eight motions with the Court. Presently under consideration are the following Motions:

- (1) Motion for Leave to Exceed Page Limit (Dkt. 13);
- (2) Motion to Seal the Declaration of Simon Brown and Exhibits Thereto (Dkt. 15);
- (3) Motion to Seal Exhibits to the Declaration of Aaron Read (Dkt. 17);
- (4) Motion to Seal [Semtech’s] Trade Secret Identification (Dkt. 20);
- (5) Unopposed Motion to Shorten Time to File Response (Dkt. 23); and
- (6) Unopposed Motion to Expedite Relief (Dkt. 24).

This case is a trade secrets action, brought by Plaintiffs Spark Connected, LLC, Ken Moore, Emanuel Stingu, and Ruwanga Dassanayake (collectively, “Plaintiffs”). Plaintiffs seek declaratory judgment that they have not breached any agreements with Semtech and/or misappropriated any trade secrets belonging to Semtech. *See* Dkt. 1 at 1. Semtech filed its Answer, Affirmative Defenses, and Counterclaims (Dkt. 7) on November 16, 2018, in which Semtech filed seven affirmative defenses, as well as counterclaims for damages, injunction, and other relief. *See*

Dkt. 7 at 7–8. In its Counterclaims, Semtech alleges violations of the Defend Trade Secrets Act, 18 U.S.C. § 1836, the Texas Uniform Trade Secrets Act, TEX. CIV. PRAC. & REM. CODE § 134A, breach of contract, breach of fiduciary duty under Texas common law, and tortious interference with contractual relations under Texas common law. *See* Dkt. 7 at 23–41.

Semtech filed a Motion for Preliminary Injunction on November 21, 2018. *See* Dkt. 14. Additionally, on the same day, Semtech filed a Motion to Expedite Discovery (Dkt. 22), seeking discovery related to its Motion for Preliminary Injunction (Dkt. 14), and an Unopposed Motion to Shorten Time to File Response (Dkt. 23), related to the Motion to Expedite Discovery (Dkt. 22).

**A. Motion for Leave to Exceed Page Limit (Dkt. 13)**

In the Motion for Leave to Exceed Page Limit (Dkt. 13), Semtech seeks to file its Preliminary Injunction in excess of the page limit set by the local rules. *See* Dkt. 13. Semtech seeks to file its Motion for Preliminary Injunction (*see* Dkt. 14), which is thirty-nine pages long, exceeding the allowed length of fifteen pages. Upon consideration, and because Semtech represents the Motion for Leave is unopposed (*see* Dkt. 13 at 3), the Court finds the Motion (Dkt. 13) is **GRANTED**.

**IT IS THEREFORE ORDERED** that Semtech’s Motion for Preliminary Injunction (Dkt. 14) is deemed filed, and the Court will consider the Motion for Preliminary Injunction in its entirety.

**B. Motions to Seal the Declaration of Simon Brown and Exhibits and Aaron Read Exhibits (Dkts. 15 and 17)**

In Semtech’s Motion to Seal the Declaration of Simon Brown (Dkt. 15), Semtech seeks leave to file the Declaration of Simon Brown (Dkt. 16) and Exhibits 1, 15, 16, 17, and 18 attached thereto (Dkts. 16-1, 16-15, 16-16, 16-17, 16-18) under seal. *See* Dkt. 15. Additionally, in its Motion to Seal [the] Exhibits to the Declaration of Aaron Reed (Dkt. 17), Semtech seeks leave to file Exhibits C and D (Dkts. 18-3, 18-4) attached to the Declaration of Aaron Read under seal. *See*

Dkt. 17. Semtech represents both Motions to Seal are unopposed. *See* Dkt. 15 at 4; Dkt. 17 at 4. Upon consideration, the Court finds both Motions to Seal (Dkts. 15, 17) are **GRANTED**.

**IT IS THEREFORE ORDERED** that the Clerk shall file Semtech's Declaration of Simon Brown (Dkt. 16) and Exhibits 1, 15, 16, 17, and 18 attached thereto (Dkts. 16-1, 16-15, 16-16, 16-17, 16-18) permanently under seal.

**IT IS FURTHER ORDERED** that the Clerk shall file Exhibits C and D to the Declaration of Aaron Read (Dkts. 18-3, 18-4) permanently under seal.

**C. Motion to Seal Trade Secret Identification (Dkt. 20)**

Pending before the Court is Semtech's Motion to Seal Its Trade Secret Identification As Of November 21, 2018 (Dkt. 20). In the Motion to Seal, Semtech seeks leave to file its Trade Secret Identification (Dkt. 21) permanently under seal. *See* Dkt. 20. Semtech represents the motion is unopposed. *See* Dkt. 20 at 4. Upon consideration, the Court finds the Motion (Dkt. 20) is **GRANTED**.

**IT IS THEREFORE ORDERED** that the Clerk shall file Semtech's Trade Secret Identification As Of November 21, 2018 (Dkt. 21) permanently under seal.

**D. Motion to Shorten Time to File Response (Dkt. 22)**

In Semtech's Unopposed Motion to Shorten Time to File Response, Semtech requests the Court set expedited deadlines for Counter-Defendants to file responses to Semtech's Expedited Discovery Motion (Dkt. 22). The Expedited Discovery Motion (Dkt. 22) relates to Semtech's Motion for Preliminary Injunction (Dkt. 14), and seeks information which, Semtech asserts, is narrowly tailored to addressing the issues related to the pending Motion for Preliminary Injunction. *See* Dkt. 22 at 4. Semtech requests the Court enter an order requiring Counter-Defendants Spark Connected, LLC, Ken Moore, Emanuel Stingu, and Ruwanga Dassanayake (collectively, the

“Counter-Defendants”)<sup>1</sup> to file their responses by November 30, 2018, and Semtech to file its reply by December 5, 2018. *See* Dkt. 22 at 2. Semtech notes the Counter-Defendants are unopposed to the Motion to Shorten Time to File Response. *See* Dkt. 22 at 4. Upon consideration, and in light of the pending Motion for Preliminary Injunction (Dkt. 14), the Motion to Shorten Time to file Response (Dkt. 23) is **GRANTED IN PART** and **DENIED IN PART**.

**IT IS THEREFORE ORDERED** that Counter-Defendants shall submit an expedited response to the Expedited Discovery Motion (Dkt. 22), if any, by December 4, 2018.

**IT IS FURTHER ORDERED** that Semtech shall submit an expedited reply to the Expedited Discovery Motion (Dkt. 22), if any, by December 7, 2018.

**E. Motion to Expedite Relief (Dkt. 24)**

Finally, pending before the Court is Semtech’s Unopposed Motion for Expedited Relief (Dkt. 24). In the Motion for Expedited Relief, Semtech notes that on November 21, 2018, between 3:00 p.m. and 5:00 p.m., some documents were inadvertently filed without seal. *See* Dkt. 24 at 1. Semtech requests the Court order the Clerk’s Office and/or PACER to provide the following information: (1) name and contact information on record of anyone who accessed Docket Numbers 16, 18, or 21 in this matter; and (2) identification of the documents accessed and/or downloaded. The Motion to Expedite Relief is **GRANTED**.

**IT IS THEREFORE ORDERED** that the Clerk’s Office shall provide to all attorneys of record any information available related to:

- (1) The name and contact information on record of anyone who accessed Docket Numbers 16, 18, or 21 in this matter; and
- (2) The identification of documents, if any, which were accessed and/or downloaded.

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<sup>1</sup> All Plaintiffs are also Counter-Defendants in this action, although not all Counterclaims relate to all Plaintiffs. *See generally* Dkt. 7.

**IT IS SO ORDERED.**

**SIGNED this 26th day of November, 2018.**

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON  
UNITED STATES MAGISTRATE JUDGE